



STATE OF MICHIGAN
BUREAU OF ELECTIONS
LANSING

May 23, 2022

REVIEW OF NOMINATING PETITION

ANNE MARIE MCCARTHY
Nonpartisan Candidate for 3rd Circuit Judge, Non-Incumbent Position

NUMBER OF VALID SIGNATURES REQUIRED: 4,000 signatures.

TOTAL FILING: 5,887 signatures.

RESULT OF FACE REVIEW: 5,267 facially valid signatures, 620 invalid signatures.

Total number of signatures filed		5,887
Jurisdiction errors (no city in county known by name given by signer, dual jurisdiction entry, jurisdiction name given by signer does not align with address)	Less:	108
Date errors (no date given by signer, date of birth entered, or date given by signer is later than circulator's date of signing)	Less:	120
Address errors (no street address or rural route given)	Less:	5
Sheet errors (wholly invalid sheets as a result of damage or cut-off mandatory elements, errors in the circulator block, errors in the heading of the petition etc.)	Less:	359
Miscellaneous Errors	Less:	28
TOTAL		5,267

In total, staff's face review of Ms. McCarthy's petition sheets identified 620 invalid signatures and 5,267 facially valid signatures.

CHALLENGE:

Jeffrey David Hillman filed a challenge against 1,902 signatures submitted by Ms. McCarthy, claiming defects including: (1) signatures from individuals not registered to vote in Michigan; (2) signatures duplicated in the petitions; (3) signatures with invalid dates on the signature line; (4) petition sheets where the circulator's certificate omitted the date; (5) signatures omitted required elements of the signatory's address, such as the signer's city or township or street address; (6) petition headers contained an incorrect office; (7) signatures dated after the date of the circulator's signature on the circulator certificate; (8) signatory addresses outside of the

jurisdiction listed; and (9) signatures dated more than 180 days prior to Ms. McCarthy's filing for office.¹

Mr. Hillman alleged that 84 signatures were invalid because they were gathered outside of 180 days. This challenge was entirely rejected because there is no statutory requirement that candidates for office gather signatures within 180 days of filing. The 180-day statutory requirement is unique to ballot initiatives and candidates running in partisan races without party affiliation. MCL 168.472a; 168.509b. There is no corresponding requirement for nonpartisan offices. After the challenge to these signatures was rejected, 1,818 challenged signatures remained. Staff also determined that 266 of the challenged signatures had already been found invalid during face review.

Staff began processing the remaining challenged signatures because the 1,552 remaining challenged signatures exceeded Ms. McCarthy's 1,267 "cushion" of excess signatures.

Following the review of 1,000 of the challenged signatures, staff determined that 372 of the challenged signatures were valid. Staff made the following determinations regarding the other 628 signatures:

Total number of signatures remaining after face review		5,267
Not registered	Less:	229
Signature errors (no signature or incomplete signature)	Less:	5
Duplicate signatures (both signatures discounted where voter signed the petition more than once unless one signature invalidated for another reason)	Less:	394
TOTAL FACIALLY VALID AND REGISTERED VOTERS		4,639

Staff did not process the remaining 552 challenged signatures because, after processing the initial 1,000 challenged signatures, Ms. McCarthy had a 639-signature cushion remaining. Even if all 552 remaining challenged signatures were invalid, Ms. McCarthy would still have qualified for the ballot.

Ms. McCarthy responded to the challenge and disputed the accuracy of Mr. Hillman's challenge.

STAFF RECOMMENDATION: Determine petition sufficient.

¹ Mr. Hillman also challenged Ms. McCarthy's Affidavit of Identity. Affidavit of Identity validity determinations are made by the Michigan Department of State, not the Board of State Canvassers.